



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-25-00006-CV

MAURICE FITZPATRICK, Appellant

V.

AFG COMPANIES, INC., Appellee

On Appeal from the 17th District Court
Tarrant County, Texas
Trial Court No. 017-352358-24

Before Sudderth, C.J.; Kerr and Walker, JJ.
Memorandum Opinion by Justice Walker

MEMORANDUM OPINION

On November 11, 2024, Appellant Maurice Fitzpatrick, proceeding pro se, filed a motion to intervene in the trial court. On January 6, 2025, Fitzpatrick filed a notice of appeal in this court, stating that his appeal is a “protective filing” that seeks “appellate review of [the trial court’s] failure to rule on his Motion.”

We were informed by the trial court clerk that the trial judge had not signed any orders or final judgment in this case. Therefore, it appeared that there was no final judgment or order subject to appeal, making Fitzpatrick’s notice of appeal premature. *See* Tex. R. App. P. 26.1(a), 27.1(a); *see also* *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195, 200 (Tex. 2001) (holding that generally appeals may be taken only from final judgments or interlocutory orders authorized by statute). Accordingly, we sent Fitzpatrick a letter expressing our concern that we lack jurisdiction over this appeal. We stated that we could dismiss this appeal for want of jurisdiction unless he or any party desiring to continue the appeal filed a response on or before January 21, 2025, showing grounds for continuing the appeal.

Fitzpatrick did not respond to our letter, and an appealable order or final judgment was not furnished to us. Without such an order or judgment, we have no jurisdiction over his appeal. *See* *Lehmann*, 39 S.W.3d at 195, 200. Thus, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 43.2(f); *Lehmann*, 39 S.W.3d at 195, 200.

/s/ Brian Walker

Brian Walker
Justice

Delivered: February 27, 2025